



# Town of Carlisle

MASSACHUSETTS 01741

Office of  
**PLANNING BOARD**

## MINUTES

December 8, 1980

PRESENT: Kulmala, Hannaford, Coulter, Raftery, Courant, Chaput

The Minutes of the July 7 meeting were amended as follows:

Following the third paragraph of the July 7 Minutes, insert:

" The chairman presented a plan entitled "Compiled Plan of Land in Carlisle, Massachusetts owned by M.S.B. Incorporated," undated, prepared by Robert M. Gill and Assoc., Inc. of Lowell, Massachusetts, which was filed with the Board by M.S.B. Corporation on June 23, 1980 together with a request that the Planning Board determine that approval under the Subdivision Control Law is not required. The plan shows ten lots on the southwesterly side of an area shown as Morse Road.

" The Board has been informed but no evidence has been presented to establish that Morse Road was laid out as a public way by the County Commissioners in 1803. While no plan of the layout has been presented to the Board, it appears to extend from Lowell Street to Curve Street through at least one house over hills, through swamps and over ledge. It appears to be of variable widths but narrow in all places. It has long fallen into disuse except as a hiking trail and bridle path and it is not paved. The Board has been advised that the road has never been abandoned formally as a County road.

" During the discussion, Deborah Hinchcliff, a member of the public attending the meeting, indicated that at certain times of the year it was not even possible to take a horse along the so-called Morse Road because of the wet areas. Mr. Eno, attorney for the developers, admitted to questioning that he did not wish to take his car onto the rough terrain.

" The Applicants have argued that the Board should determine that approval under the Subdivision Control Law is not required for the sole reason that the plan shows the lots as having adequate area and frontage on a public way. Most members of the Board have viewed the remains of Morse Road and have expressed concern about the lack of adequate access to the land abutting it.

" The Subdivision Control Law, which includes the procedure relied on by the Applicants, requires that the Planning Board exercise its powers with due regard for adequate access to lots shown on plans presented to it. Ways should be safe and convenient for travel, reduce danger to life and limb in the operation of motor vehicles, secure safety in the case of fire, flood, panic and other emergencies, and secure provision for utilities as well as fire, police and other municipal equipment. While the Board is sympathetic to the importance of the "road" to the developers, several members expressed an obligation to persons acquiring the lots shown on the plan and to the operating departments of the town for whose protection the Subdivision Control Law was enacted.

" The Board also considered the purpose for which the "Approval Not Required" procedure was adopted. The statute relieves certain divisions of land of regulation and approval by a Planning Board because access is reasonably guaranteed in another manner. Usually lots having frontage on a public way are fully accessible and because the developer does not contemplate the construction of additional access roads there is no need for supervision by the Planning Board. That assumption is not true in the Morse Road situation.

" Finally, the Board reviewed the plan for compliance with the Subdivision Rules and Regulations. "

The Minutes were accepted as amended.

The Minutes of the November 10 meeting were amended by adding to paragraph 2, page 1, "with respect to ANR plans" at the end of the first sentence. The Minutes were accepted as amended.

The Minutes of the November 18 meeting were accepted as read.

Roy Smith, Four Seasons Development, reported that the island at the Westford Road/Munroe Hill intersection has been changed and the stone wall on Paul Courant's side is being worked on. Binder is on Aaron Way. They would rather wait for paving in the spring because of the large amount of ledge and possible drainage problems. Rework of Lot 18 should be completed within the next two weeks. The drainage pipe off Aaron Way which is now dumping into Mrs. Tully's land will be completed to connect with the retention areas. The circle at the end of Virginia Farme has been completed. Paul Courant reported that Jerry Murphy, a Virginia Farme resident, was not concerned about having a car catcher placed along his property. The drainage from Nathan Lane was more of a concern. Smith reported that berming of the other side will be done. The slopes along Nathan Lane were questioned and CVP will be asked to check if they conform to the plan.

Lot 35 was requested for release. Motion made and seconded to release Lot 35. Voted unanimously in favor.

The following motion was made: "The Planning Board ("Board"), finding that its purpose underlying paragraph 5 of the Agreement of June 23, 1980, by and among Four Seasons Development Corporation ("Four Seasons"), Concord Cooperative Bank ("Bank") and the Board having been met, the Board hereby agrees to release the Bank and Four Seasons from the prohibition against occupancy contained in said paragraph." The motion was seconded and unanimously voted in favor.

Lois Surgeonor was present to discuss soils maps. These maps can be done by the U.S. Agriculture Soil Conservation Service. This study is an interest of the Conservation Commission also. This will be investigated further. Another point made by Surgeonor was the shape of lots. She pointed out that towns in New York with which she was familiar and also the Town of Concord spelled out the shapes acceptable for lots. Some members of the Board were not certain that it mattered how the lot looked on the plan. However, it was seen that there could be problems when a house was constructed in what looked on the land to be someone else's front yard.

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Tom Raftery reported that Metcalf and Eddy has submitted three proposals for town water contamination study. The three proposals were for three different depths of study.

As a result of a letter received from David Stewart, it was suggested that a meeting be held in January, separate from the already scheduled meetings, for exploring the experiences people have had with common driveways, porkchop lots, minor subdivision, etc. January 22 was chosen for this meeting.

December 20 is the deadline for submission of the preliminary Fiscal Year 1982 budget. It was first felt that the total amount should not change from the 1981 budget. It was also seen that secretarial assistance for the Clerk of the Board was necessary. While engineering fees cannot be substantially reduced because there is no way of knowing what engineering expenses will occur as subdivisions are presented, it was decided to transfer \$1,000 from Engineering to Secretarial Assistance. The point was made that the engineering fees are reimbursed to the Town and that the Board could request money from the Reserve Fund in the event a larger than expected number of subdivisions were presented. The following preliminary Fiscal Year 1982 budget was unanimously approved:

Engineering Fees	\$3,500
Secretarial Assistance	\$1,800
Miscellaneous	<u>700</u>
Total	\$6,000

Respectfully submitted,

Meredith DeLong  
Secretary to the Board